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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 1300 / 2007

PETITIONER

P.R. No. 1322/07
Presented by Amit Sharma
dated 21/2/07
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21/2/07
CLERK to A. G. BILASPUR

: Smt. Uma Tiwari, W/o. Shri Shivgulam Tiwari, aged about 36 years, Working as Assistant Teacher, R/o. Vill. Bargaon, P.O. Kosla, Block-Pamgarh, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through The Secretary Department of School Education D.K.S. Bhawan, Mantralaya Raipur (C.G.)
2. The District Education Officer, Distt. - Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF
MANDAMUS, CERTIORARI OR ANY OTHER WRIT OF LIKE
NATURE



The Petitioner most humbly begs to submit as under:-

PA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1300 of 2007

Petitioner : Smt. Uma Tiwari

Versus

Respondents : State of Chhattisgarh and another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

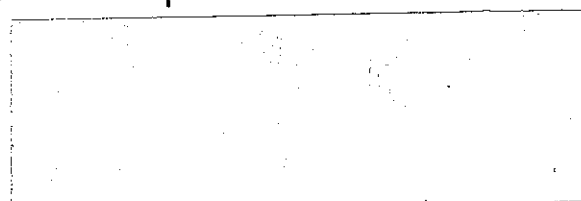
Present: Mr. Amit Kumar Sharma, Advocate for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for State/respondents.

ORDER

(Passed on this 8th Day of March, 2007)

1. The petitioner was appointed on 23-2-1989 as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of two years probation, he was granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed



by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.
5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).
6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge